

Sterling Custom Homes Corporation and Wausau Homes, Inc. and Teamsters "General" Local No. 20 and Fox River Valley District Council of Carpenters. Case 30-CA-7198

18 November 1983

ORDER DENYING MOTION

**BY CHAIRMAN DOTSON AND MEMBERS
ZIMMERMAN AND HUNTER**

On 31 August 1982 the Regional Director for Region 30 of the National Labor Relations Board issued a complaint and notice of hearing in the above-entitled proceeding, alleging that the Respondents have engaged in and are engaging in certain unfair labor practices affecting commerce within the meaning of Section 8(a)(1), (3), and (5) and Section 8(d) of the National Labor Relations Act. The complaint alleges in substance that the Respondents have failed and refused to bargain with the Unions as the certified exclusive representative of an appropriate unit of their employees; that Respondent Sterling ceased operations in Fond du Lac, Wisconsin, terminating all employees and stopped honoring all contractual terms found in the collective-bargaining agreement in effect between the Respondents and the Unions, and that the Respondents have transferred their operations. The

hearing in this matter is currently scheduled for 28 November 1983.

On 14 November 1983 the Board received the Respondents' "Motion for Special Permission to Appeal Regional Director's Denial of Motion to Stay Proceedings."¹ In their motions to the Regional Director and their appeal to the Board, the Respondents argue that the Board's decisions to reconsider *Milwaukee Spring Division*, 265 NLRB 206 (1982),² mandates postponement of hearing until the Board rules in *Milwaukee Spring*. The Respondents contend that postponing the scheduled hearing "may prevent litigation" and that requiring the Respondents "to go forward in litigating these issues where a newly instituted Board is reconsidering these difficult and important issues represents a waste of the Board's limited resources, and an unnecessary expense to all parties to this proceeding."

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Having duly considered the matter, the Respondents' motion for special permission to appeal Regional Director's denial of motion to stay proceedings is denied.

¹ On 26 October 1983 the Regional Director issued an order denying motion to stay proceeding.

² On 19 July 1983 the Board petitioned the U.S. Court of Appeals for the Seventh Circuit to remand proceeding for additional consideration.